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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,812	01/26/2001	Li-Te Lin	TS00-240	5166

28112 7590 03/13/2003

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EXAMINER

VINH, LAN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 03/13/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/769,812

Applicant(s)

LIN ET AL.

Examiner

Lan Vinh

Art Unit

1765

--Th MAILING DATE of this communication appears n the cover sheet with th corr spond nc address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 11 and 13-18.

Claim(s) objected to: _____.

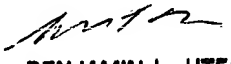
Claim(s) rejected: 1, 4-10 and 19-29.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

09/769,812

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument filed on 3/3/2003 have been fully considered but they are not persuasive. The argument that there is no suggestion to modify Ye(529) two separate etches/embodiments is not persuasive because the examiner did not suggest modifying Ye(529) two separate embodiments in the previous final office action (paper no.6). It is also argued that Ye(516) does not teach the inventive concept of claim 1 because Ye(516) teaches a etch using "oxygen, nitrogen.....HCL" or mixture thereof by way of example and not by way of limitation". The examiner disagrees because the applicants have not shown that how a mixture of gases by way of example differs from a mixture of gases by way of limitation. Since Ye (516) teaches etching a low k dielectric layer using a mixture of NH3 and oxygen in one of the example, Ye(516) teaching reads on the limitation of "in a first step, etching....at least NH3 gas and flowing CO or oxygen gases" as recited in claim 1. The argument that the combination of references does not suggest a "medium plasma power" as specified in claim 4, this argument does not commensurate with the scope of claim 4 because claim 4 does not recite "a medium plasma power". The applicants further argue that Ngo does not teach a etch step but in contrast teaches a "plasma treatment". Although the examiner recognizes that Ngo teaches a "plasma treatment", however, since Ngo teaches performing the plasma treatment using the same gases (NH3 and N2) as the claimed etching gases and in fig. 2 of Ngo, part of layer 52 is shown being removed after the plasma treatment, Ngo's "plasma treatment", as interpreted by the examiner, reads on an etching step using NH3 and N2. .


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